

Itinerant Merchants

Key things to know about applying for an Itinerant Merchant License in the City of Sumas

(Please review the Chapter 4.07 of the Sumas Municipal Code prior to applying. You will find the chapter attached to this application.)

- You must submit an application to the City of Sumas, at which time you must pay a non-refundable fee of \$25 for the processing of your application and background investigation.
- You will be required to be fingerprinted and you must consent to have a Washington State background investigation conducted.
- If your application is approved you will be required to pay \$35 to the City of Sumas before a license to solicit will be issued.
- If you are issued a license to solicit, it shall be valid for a period of thirty consecutive days, and only applies to one temporary location. You will need to apply for a new license for any change of location.
- Any Sumas Police Officer shall have the authority to require the individual to produce his/her license for inspection.
- If any of the regulations, outlined in the Sumas Municipal Code, are being violated you could be charged with a misdemeanor.
- If your application has been denied you may appeal this decision by filing a written notice of appeal, which will be brought before the city council and reviewed. The appeal must be filed within 10 days of receiving the notice of revocation/denial of application.
- Please refer to the Sumas Municipal Code (attached to this application) for specific City regulations in regards to time and place Commercial Soliciting will be allowed.

Application for Itinerant Merchants

*A non-refundable payment of \$25 must be paid to the City of Sumas, prior to processing this application. If approved you will need to pay \$35 to the City of Sumas for a license which shall be valid for a period of 30 consecutive days. (only applies to one location)

Name: _____ Date of Birth: _____

Address of place(s) where business is to be conducted _____

Permanent Home Address _____

Current Local Home Address _____

Telephone Number: (Cell) _____ (Home) _____ (Work) _____

Brief Description of the nature of the Business and the goods to be sold: _____

Name and Address of the employer/parent organization being represented. (Copies of credentials or documents verifying that relationship must be submitted) _____

Have you ever been convicted of any crime of any nature? Yes _____ No _____

If yes, please write a short statement explaining. _____

Vehicle License Plate No: _____

Vehicle Description (i.e. make, model, color): _____

By signing this document, you are declaring that all statements are true, as well as giving the Sumas Police Department consent to take fingerprints and conduct a Washington State background investigation.

Signature

Date

Chapter 4.07

COMMERCIAL SOLICITORS AND ITINERANT MERCHANTS

Sections:

- [4.07.010](#) Definitions.
- [4.07.020](#) Exceptions.
- [4.07.030](#) License required.
- [4.07.040](#) License application.
- [4.07.050](#) Applicant investigation.
- [4.07.060](#) Issuance or denial of license.
- [4.07.070](#) Denial and revocation.
- [4.07.080](#) License fees, terms and transferability.
- [4.07.090](#) Restrictions on time and place.
- [4.07.100](#) Enforcement.
- [4.07.110](#) Appeals.
- [4.07.120](#) Violation—Penalty.

4.07.010 Definitions.

A. A “commercial solicitor,” within the meaning of this chapter, means any person who offers for or exposes for sale or who trades, deals or traffics in any services, or sells any goods, wares, merchandise, subscriptions or personal property of any nature for immediate or future delivery, whether or not he is collecting advance payments on such **sales** or not, by going from house to house or from place to place or by indiscriminately approaching individuals.

B. An “itinerant merchant,” within the meaning of this chapter, means any person who, while selling or offering for sale any goods, wares, merchandise or anything of value, stands or is otherwise present in any unenclosed vacant lot, parcel or land, or in any other place not used by such person as a permanent place of business, with the exception of a person selling or offering for sale, in a manner consistent with applicable zoning ordinances and regulations, but not as a regular business, any goods, wares or anything of value on the property constituting that person’s private residence.

C. A “charitable solicitor,” within the meaning of this chapter, means any person who makes any oral or written request for a contribution within the solicitor’s offer or attempt to sell any property, rights, service or other thing in connection which any appeals made for any charitable purpose, or in the name of any charitable organization is used in inducement for consummating the sale, or any statement made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization. “Charitable organization” means any benevolent, philanthropic, patriotic, eleemosynary, educational, social, recreational, fraternal or any other person having or purporting to have charitable nature, and which solicitors collect contributions for any charitable purpose. “Charitable” shall have its common law meaning unless the context in which it is used clearly requires a narrower or broader meaning. (Ord. 1655 § 2 (part), 2015)

4.07.020 Exceptions.

This chapter shall not apply to:

- A. A farmer or gardener vending his own unprocessed farm products raised or grown exclusively upon lands owned or tenanted by him;
- B. A dairy farmer vending milk, cream, eggs or the dairy products produced on lands owned or tenanted by him;
- C. Vendors of printed materials, the chief aim of which is the dissemination of current news as distinguished from magazines or fictional writings;
- D. Citywide central business district outdoor promotional **sales** which do not impede the free flow of traffic, create a hazardous situation or interfere with the conduct of private businesses in the neighborhood;
- E. The selling of personal property at wholesale to dealers in such articles or commodities;
- F. Persons under the age of eighteen or still enrolled in high school engaged in legitimate fundraising activities, unless employed by another person or organization;
- G. Private garage/yard and estate **sales** of an infrequent nature upon residential property owned or tenanted by that person conducting such sale. Limited to two **sales** annually for each particular parcel of property and each sale shall last no more than three days. (Ord. 1655 § 2 (part), 2015)

4.07.030 License required.

- A. It is unlawful for any commercial solicitor, itinerant merchant or charitable solicitor, as herein defined, to engage in such business within the corporate limits of the city without first having obtained a license in compliance with this chapter.
- B. The license should be in the possession of any commercial solicitor, itinerant merchant or charitable solicitor at any time in which he/she is engaged in business activities herein defined. Further, he/she shall produce and exhibit such license at any time he/she is requested to do so by any person with whom he/she is engaging in business and business activity, or by any police officer of the city. (Ord. 1655 § 2 (part), 2015)

4.07.040 License application.

Applicants for a license under this chapter must file a written application on a form provided by the city. The application must be filed with the city clerk-treasurer.

- A. Commercial Solicitor's License. Application form shall contain and the applicant shall furnish the following information:
 - 1. Name and date of birth of the applicant;
 - 2. Permanent home address and telephone number and full local address and telephone number of applicant;
 - 3. Brief description of the nature of the business and the goods to be sold;
 - 4. If not self-employed, the name and address of the employer or parent organization the applicant is representing and copies of credentials or documents verifying that relationship;

5. A statement whether or not the applicant was ever convicted of any crime of any nature whatsoever;
6. Business certificate from the Tax Commission of the state of Washington or proof of application for such certificate;
7. Whenever applicable, a copy of applicant's food handler's permit issued by the Whatcom County health department;
8. Signature of the applicant authorizing the police department to take fingerprints and conduct an investigation of the applicant;
9. Fingerprints of the applicant applying for the license;
10. Description and license plate number of the vehicle used by the applicant when canvassing or soliciting;
11. Such credentials and other evidence of the applicant as the city clerk-treasurer may require for investigative purposes to determine the business and personal character of the applicant.

B. Itinerant Merchant License. Application shall contain and applicant shall furnish the following information: the application form shall be identical to application for commercial solicitors, except that itinerant merchant shall, in addition, furnish address or addresses of place or places where business is to be conducted.

C. Charitable Solicitor's License. The applicant shall furnish a copy of the registration of the charitable organization. Applicant shall further furnish proof of compliance with Chapter [19.09](#) RCW, if requested by the city clerk-treasurer or member of city council. (Ord. 1655 § 2 (part), 2015)

4.07.050 Applicant investigation.

A. Upon receipt of a completed application for a commercial solicitor or itinerant merchant license under this chapter, the original shall be referred to the police department for investigation of the applicant. The investigation shall include review of felony and misdemeanor convictions and traffic offenses which have occurred in the past ten years. At the time the application is submitted, the applicant shall pay a twenty-five dollar application fee to the police department to cover the costs of the investigation. Unless the police department determines otherwise, a single investigation of an applicant is sufficient for licenses sought for different periods for the same activity during the same calendar year the investigation was conducted.

B. Upon completion of investigation of the applicant, the police department shall make a recommendation of approval or disapproval based on the findings of the investigation to the city clerk-treasurer. Any recommendation of disapproval must be for good cause including, but not limited to, unsatisfactory criminal history of convictions for offenses, criminal and/or traffic, directly related to fitness for a license; discovery of facts supporting lack of business responsibility; or any legitimate reason that the applicant presents a risk to the citizens if permitted to engage in activities as a commercial solicitor or itinerant merchant.

C. Unless additional time is needed to complete its investigation, the police department recommendation for approval or disapproval shall be made to the city clerk-treasurer no later than five days from the date the

completed application, with all required information and application fees, is received by the city. (Ord. 1655 § 2 (part), 2015)

4.07.060 Issuance or denial of license.

Unless there is a basis for denial, the city clerk-treasurer shall issue a license upon police department approval and payment of the prescribed license fee. In the event of police department disapproval, the city clerk-treasurer shall notify the applicant of the denial. (Ord. 1655 § 2 (part), 2015)

4.07.070 Denial and revocation.

Licenses sought or issued under this chapter may be denied or revoked by the city clerk-treasurer subject to appeal. Licenses may only be revoked for good cause. In addition to denial based upon the recommendation of the police department following its investigation of an applicant, grounds for denial or revocation of a license include, but are not limited to:

- A. Fraud, misrepresentation, or false statement contained in the application for license.
- B. Fraud, misrepresentation, or false statement made in the course of carrying on the business of commercial solicitor, itinerant merchant or charitable solicitor.
- C. Any violation of this chapter.
- D. The license is used or intended to be used for an activity or business materially different than that applied for.
- E. The applicant, licensee or business is currently in violation of any code provision, statute, regulation or ordinance of the United States, the state of Washington, Whatcom County, or the city.
- F. The applicant, licensee or business is delinquent in, or fails to pay when due, any taxes, fees, or assessments to the city pursuant to any code provision, statute, regulation or ordinance.
- G. The applicant, licensee or business operates in a manner, or engages in activities, that constitute a nuisance pursuant to state law or the Sumas Municipal Code.
- H. The applicant or licensee is not eighteen years of age or older at the time of the license is applied for.
- I. Any felony or misdemeanor conviction directly related to the fitness of licensee to carry on the activities of a commercial solicitor, itinerant merchant or charitable solicitor.
- J. Conducting business in an unlawful manner or in such a manner as to constitute a breach of the peace or to be detrimental to the health, safety, or general welfare of the public.

Written notice of any denial or revocation of a license shall be mailed to the applicant or licensee at an address listed on the application. In the event of revocation of an existing license, the revocation shall not be effective until ten days following the date of mailing. If review of revocation is sought, the revocation shall be stayed pending final action of the city council. (Ord. 1655 § 2 (part), 2015)

4.07.080 License fees, terms and transferability.

- A. Commercial Solicitor. Upon approval of the application provided herein, each commercial solicitor shall pay a license fee of fifty dollars for a license which shall be valid for a period of five consecutive days.
- B. Itinerant Merchant. Upon approval of the application provided herein, each itinerant merchant shall pay a license fee of thirty-five dollars for a license which shall be valid for a period of thirty consecutive days. Such license shall apply to the business and authorize the conduct of such business **sales** only at one temporary location. New application shall be made for any change of location.
- C. Charitable Solicitor. Upon approval of the application as provided for herein, a no-charge annual license shall be issued to charitable solicitors in accordance with Chapter [19.09](#) RCW. (Ord. 1655 § 2 (part), 2015)

4.07.090 Restrictions on time and place.

- A. A commercial solicitor, itinerant merchant or charitable solicitor shall not engage or attempt to engage in activity at any home, residence, apartment complex or business that displays a “No solicitors” or other similar sign; or otherwise provides notice that the occupants do not desire to be contacted by them.
- B. A commercial solicitor, itinerant merchant or charitable solicitor shall not engage in business between the hours of seven p.m. and nine a.m.
- C. A commercial solicitor, itinerant merchant or charitable solicitor shall not intentionally obstruct vehicular or pedestrian traffic. (Ord. 1655 § 2 (part), 2015)

4.07.100 Enforcement.

It is the duty of any police officer of the city requiring any person soliciting to be duly licensed as a commercial solicitor, itinerant merchant or charitable solicitor. The officer shall have the authority to require the individual to produce his license for inspection. (Ord. 1655 § 2 (part), 2015)

4.07.110 Appeals.

Any person aggrieved by denial or revocation of a license may seek review of that denial or revocation by the city council of the city of Sumas by filing a written notice of appeal setting forth the grounds thereof within ten days of the date the denial or revocation notice was mailed to the person. The notice of appeal shall be filed with the city clerk-treasurer. A hearing shall be conducted at the next council meeting following the filing of the notice of appeal, or at such later date as the council may determine is appropriate. Following the conclusion of the hearing, the city council shall issue a decision based on the provisions of this chapter granting, denying or revoking the license. The decision of the city council shall be final. A party may seek review of a decision of the city council denying or granting the issuance of a license, or the revocation or refusal to revoke a license, by the superior court of Whatcom County, state of Washington, within thirty days of the decision granting, denying, revoking, or refusing to revoke the license. (Ord. 1655 § 2 (part), 2015)

4.07.120 Violation—Penalty.

Any person, firm or corporation violating any of the terms and conditions, sections or subsections of this chapter shall be guilty of a misdemeanor, the penalty for which misdemeanor shall be a fine of not more than one thousand dollars and/or incarceration of not more than ninety days. Every day upon which such violation

shall occur, or upon which such violation shall continue, shall constitute a separate offense. (Ord. 1655 § 2 (part), 2015)